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the minds" is not very clear. In §§ 320 and 323 the author expresses with considerable vigor his feeling of the great injustice to individuals and the peril to our institutions due to the formation, existence, and methods of the great industrial and monopolistic combinations of recent years.

The author seems to have been generally correct in his statements of the law of the various subjects considered. He has, however, not always been happy in the language he has used. The following occurs on page 23: "So where a deed of bargain and sale of a lunatic, when executed with all the formalities of law, and duly registered, will, like a feoffment in person, be only voidable and not void." There are many other similar slips, as on pp. 42, 51, 176, 332.

The work will have a place as gathering together many unusual matters relating more or less closely to "contract law," giving the most important decisions thereon, and making accessible many things difficult to find in the digests. Some 9,000 cases are cited, and a good index of 78 pages accompanies the work. The typographical work looks well, but it is difficult to say whether "*connecticut*" (p. 318) will wholly "*reecover*" (p. 413) from the way in which the printer has "*perfoormed*" (p. 490). H. L. WILGUS.

#### RECENT BOOKS ON ROMAN LAW.

ROMAN PRIVATE LAW. Founded on the "Institutes" of Gaius and Justinian. By R. W. Leage, M. A., B. C. L., of the Inner Temple; Barrister at Law, Fellow of Brasenose College, Oxford. London: Macmillan & Co. New York: The Macmillan Co. 1906, pp. xi, 429. Price \$3.25.

A SHORT HISTORY OF ROMAN LAW. By Paul Frédéric Girard, Professor of Roman Law in the Faculty of Law of the University of Paris. Translated by A. H. F. Lefroy, M. A. (Oxon), Professor of Roman Law and General Jurisprudence in the University of Toronto, and John Home Cameron, M. A., Associate Professor of French in University College, Toronto. Toronto: Canada Law Book Co., 1906, pp. 220.

The books on the elements of Roman Private Law published in English during the last two decades may be roughly classified as scholars' books, examiners' books, and teachers' books. Most of those coming from Oxford have been distinctively of the first group. Of the second class we have had but few examples in England and fewer in America. Mr. Leage's book belongs in the third category, being "an attempt to meet a want felt in teaching Roman Law at Oxford, viz., some book which is content to give, as simply as possible, the subject matter of the *Institutes* of Gaius and Justinian, following in the main the original order of treatment." There is an Historical Introduction of forty pages and then the familiar *jus quod vel ad personas pertinet vel ad res vel ad actiones* of Gaius and Justinian. The treatment of the Law of Actions is somewhat more systematic than that of the classic originals. The book is thoroughly unpretentious, and the author in his preface quotes the standard secondary authorities Moyle, Roby, Poste,

Muirhead, Sandars, Sohm, Girard and Wlassak as those to whom he is indebted.

It is a rather ungracious task to criticise a teacher's method of presentation of familiar topics, but one would think it wise in a book whose main aim is simplicity and definiteness of statement for the benefit of beginners, to analyze more carefully what Holland calls the formal—i. e., essential—principles of the law as posited by Gaius and Justinian. Some such simple statement as given by Judge Hammond, in his introduction to the American edition of Sandars' Justinian, of the meaning of the famous classification of law by the classic Institutes, would be a great boon to a beginner struggling with this puzzling question. But as Sir Henry Maine says (*Early Law and Custom*, p. 365). "a book published at Chicago, and written by a Law Professor of the State University of Iowa, is not likely perhaps to come into the hands of many English readers." A definition stated so as to allow the visualizing tendency to manifest itself with full force in transition from subject to predicate, as in "a rescriptum—or epistola—was *where*, etc." (see p. 11), may lay the author open to criticism. Although he may claim good legal precedent for this, from Bracton to Blackstone and beyond, the solecism will hardly commend itself to the modern schoolmaster, who is liable to be somewhat of a purist on this point, and who will probably not admit the plea *magno se iudice tuetur*. On page 2 imperial constitutions are classified among those laws set by a sovereign legislature, and edicts among those made by some delegated authority, while on page 10 an edict is classified among the imperial constitutions. This is liable to confuse a beginner who will not see that in the first instance the author evidently has in mind only the edict of the republican magistrate. The statement on page 7 that the Twelve Tables were "*never* wholly superseded \* \* \* but continued to be the ancient source from which all law flowed *until the time of Justinian*," seems self-contradictory. The translation of the word *iudex* by "judge," though etymologically correct, is so misleading from the institutional standpoint that it should be avoided. Perhaps the best solution of this difficulty, as in all cases of translation of technical terms, would be the simple transliteration of the word, with a note, if necessary, to explain the technical nature of it.

But these are trifles of comparative unimportance, and are chargeable in the main to effort at condensation in statement. The book will serve a useful function in the field for which the author designs it. It is a happy medium in size between Sohm's *Institutes* and the elementary treatise like Morey's *Outlines*. The first of these has been found by most teachers somewhat too heavy for the short courses in elementary Roman law, allowed in most colleges and law schools, while the smaller book needs considerable supplementing by the instructor. The presentation of the subject in the order of the *Institutes* of Gaius and Justinian will give Mr. Leage's book especial value for the teacher of the subject in the American law school, the students of which do not have the time nor the necessary equipment in Latin to study

the original, and are also liable to be confused by the departure from the classic method of presentation.

The *Short History of Roman Law* is a translation of the preliminary chapter and first book of Girard's well known *Manuel élémentaire de droit romain*, together with the *Bibliographie générale* printed as an Appendix. The appearance of this scholarly work in English dress will be gladly welcomed by students of Roman law in this country. The modern Roman law of America has been so largely "received" through French and Spanish sources that the institutional treatises based on the Code Napoléon (upon which the Spanish and modern American codes have been so largely modeled) give to the American student of Roman law a much to be desired combination of the classical theory of Roman law principles together with their application in the modern environment. The translators urge that the part translated will be welcomed as a short history of Roman law in separate form. But it is very much to be desired that the work as a whole may be given to us soon. It seems to be the experience of European teachers that the elementary book in Roman law should contain both the history and the system, as is evidenced by Sohm's excellent "Institutes," and by Girard's "Manuel" in its entirety. Few students in American law schools or colleges can afford to give more than a single semester to the work in Roman law, and that work should contain both the historical sketch and the outline of fundamental principles. It seems, therefore, unfortunate that the translation should be put into pages hardly half the size of those of the original text, for if the remainder of the "Manuel" should be translated, it would involve the making of new plates for the part already made, unless the completed work were of unwieldy thickness or published in two volumes.

JOSEPH H. DRAKE.

CURRENT LAW, A COMPLETE ENCYCLOPEDIA OF NEW LAW. George Foster Longsdorf, Editor; Walter A. Shumaker, Associate. St. Paul: Keefe-Davidson Company, 1905-1906, Vol. IV, pp. 1971; Vol. V issued in monthly parts.

We believe that this work has already won for itself a place among the really useful books of reference for the lawyer. One who has once used it is sure to turn to it again for assistance. Had a work of this kind been carelessly or unintelligently prepared it would have been a hindrance rather than a help to the investigator of legal problems who wishes to keep abreast of the times; but so carefully and wisely have the digesting and arranging of recent decisions been done for "Current Law" that one may safely rely upon it for a statement of the principles announced in every current decision. The notes contain enough of the facts of these decisions to enable the reader to determine whether the particular case cited is worthy of further examination by him in view of the precise question upon which he is seeking light.